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9 Attorneys for Plaintiff

10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA
 12 OAKLAND DIVISION

13 UNITED STATES OF AMERICA,	}	Case No. 07-70198 WDB
14 Plaintiff,	}	STIPULATION TO WAIVE TIME UNDER
15 v.	}	SPEEDY TRIAL CLOCK AND FOR
16 SANUARIO MONTOYA-ORTIZ,	}	PRELIMINARY HEARING
17 Defendant.	}	Date: May 15, 2007
		Time: 10:00 a.m.
		Before the Honorable Wayne D. Brazil

19 This matter is set to come before the Court for Preliminary Hearing or Arraignment on
 20 May 15, 2007 at 10:00 a.m. The United States has provided a substantial amount of discovery to
 21 Mr. Montoya-Ortiz's counsel. Additionally, the defense has identified several issues relating to
 22 Mr. Montoya-Ortiz's criminal history, specifically whether he has suffered an aggravated felony.
 23 In order to secure the necessary records and fully develop the defense's position and so the
 24 parties can continue their discussions to determine whether there is the possibility of a pre-
 25 indictment resolution of the matter IT IS STIPULATED AND AGREED that this matter be
 26 continued to June 6, 2007.

27 On advice of counsel, and pursuant to Fed. R. Crim. P. 5.1(d), Mr. Montoya-Ortiz

28 STIPULATION FOR EXTENSION OF PRELIMINARY HEARING AND
 SPEEDY TRIAL CLOCK EXCLUSION

Case No. 07-70198 WDB

1 knowingly and voluntarily waives his right to a preliminary hearing on May 15, 2007, and agrees
2 to extend the time for a preliminary hearing until June 6, 2007, at 10:00 a.m. The parties also
3 agree that there is good cause present to grant the extension in light of the discovery provided for
4 the defendant's counsel to effectively prepare and to assist in a possible pre-indictment
5 resolution.

6 The parties also jointly request that the time between May 15, 2007 and June 6, 2007 be
7 excluded under the Speedy Trial Clock to allow Mr. Montoya-Ortiz's counsel to review the
8 discovery to be provided and effectively prepare taking into account the exercise of due
9 diligence. See 18 U.S.C. §§ 3161(h)(8)(A) and 3161(h)(8)(B)(iv). The parties agree that the
10 "ends of justice served by the granting of such continuance outweigh the best interests of the
11 public and the defendant in a speedy trial." 18 U.S.C. § 3161(h)(8)(A).

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14 Respectfully submitted,

15 SCOTT N. SCHOOLS
16 United States Attorney

17 DATED: May 10, 2007
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